

**REMARKS**

The present application has been carefully studied and amended in view of the outstanding Office Action dated February 23, 2007, and reconsideration of that Action is requested in view of the following comments.

A petition for a one-month extension of time accompanies this response together with the appropriate fee. Accordingly, the deadline for responding to the Office Action has been extended until June 25, 2007 (June 23 being a Saturday), and this response is therefore timely filed since it was deposited in the mail for First Class Delivery Service on the date certified on the front page hereof.

Claim 44 has been amended to recite additional features of the present invention while claims 49 and 56 have been canceled. Accordingly, claims 44-48 and 50-55 remain.

All of the pending claims stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over certain claims of U.S. Patent No. 6,761,174. In response to this rejection a timely filed Terminal Disclaimer accompanies this response and thereby overcomes this particular double patenting rejection. Accordingly, such rejection is rendered moot in view of this Terminal Disclaimer.

Additionally, claim 44 also stands rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claim 2 of co-pending application 11/346,429. However, in view of the amendments of claim 44 it is requested that this provisional double patenting rejection be reconsidered and withdrawn.

The only remaining issues in the present application involve the rejection of claim 44 under 35 USC §102(b) as anticipated by Tateno et al. U.S. 4,889,144 ("Tateno"), and the rejection of claims 44, 45, 47 and 55 under 35 USC §103(a) as being unpatentable over Gentry et al. U.S. 5,568,819 ("Gentry"). For the reasons discussed below it is respectfully submitted that claim 44 is not anticipated by Tateno and claims 44, 45, 47 and 55 are not rendered obvious by Gentry.

All of the pending claims define a cigarette comprising a tobacco rod and a multi-component filter that includes a cavity holding a bed of adsorbent particles therein. The cavity is at least 85% filled with the adsorbent particles in order to substantially remove at least one smoke constituent from the mainstream smoke as it is drawn through the filter.

The filter of the present invention includes at least one flavor-releasing component downstream of the bed of adsorbent particles, and such flavor-releasing component has an upstream end portion adjacent the bed of adsorbent particles. Ventilation is critically located downstream of the adsorbent particles at the upstream end portion of the flavor-releasing component.

Tateno shows a plug-space-plug filter for a cigarette where the space is loosely filled with flavor-sealed particles 3 or a combination of flavor-sealed particles and destruction accelerator particles 4 that accelerate destruction of the particles 3. Applying outside pressure to the filter in the area of the cavity breaks the flavor-sealed particles to thereby release the flavor sealed therein. This arrangement is totally different from the present invention which includes a cavity at least 85% filled with adsorbent particles and flavor release adjacent to and downstream from those particles.

Moreover, notwithstanding the Examiner's statement to the contrary, there is no disclosure or suggestion in Tateno that cavity 2B is at least 85% filled with adsorbent particles. Quite the contrary, as clearly shown in the drawings, the cavity 2B is loosely filled with particulate material. With at least 85% fill there is less channeling or short circuiting of smoke drawn through the adsorbent particles and this contributes to enhanced smoke constituent removal.

The same features described above which distinguish the present invention from Tateno are equally applicable with respect to the Gentry reference.

In the present invention, the relationship between the adsorbent particles and the downstream flavor releasing component is particularly advantageous in producing a tobacco smoke stream having a desirable taste where mainstream tobacco smoke is initially purged of at least one smoke constituent after which flavor is released into the smoke stream. It is believed that portions of the particulate phase of mainstream tobacco smoke may be removed as the stream is drawn through the adsorbent particles, and that at least some of the tar constituents that contribute taste and flavor to the cigarette smoke are removed. However, in the present invention after the removal affect of the adsorbent particles, flavor is released into the tobacco smoke at a downstream location by the flavor-releasing component of the cigarette filter.

Also, the recited ventilation is important as well as the particular location of such ventilation in that the velocity of the mainstream tobacco smoke through the adsorbent particles is slower when compared to a similar filter without ventilation. This results in more dwell time of the tobacco smoke in contact with the adsorbent particles which increases the efficiency of smoke constituent removal. The molecules of the gas phase

constituents randomly move in all directions amongst the adsorbent particles as the mainstream smoke progresses therethrough. Additionally, with ventilation at the upstream end portion of the flavor releasing component, the mainstream tobacco smoke and the ventilation air together are drawn faster past the downstream portion of the flavor releasing component, which effectively enhances the release of flavor to the smoke. With relatively low velocity through the adsorbent particles, and higher velocity through the downstream portion of the flavor-releasing component, removal efficiency by the adsorbent particles and flavor release at the flavor releasing component are both enhanced by the particular placement of ventilation as claimed.

As the mainstream smoke passes through the adsorbent particles, it is subjected to additional heat and moisture due to adsorption and condensation processes at or about the particles. In addition, ventilation air that is admitted into the peripheral regions of the upstream portion of the flavor component tends to concentrate the warmed, moisture laden mainstream smoke in the central regions of the flavor releasing component where the flavor thread is positioned. These effects further enhance release of flavor to the mainstream smoke as it is drawn through the flavor releasing component.

Accordingly, for the reasons expressed above it is believed that the present application is in condition for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,

By Richard M. Beck

Richard M. Beck

Registration No.: 22,580

CONNOLLY BOVE LODGE & HUTZ LLP

1007 North Orange Street

P.O. Box 2207

Wilmington, Delaware 19899

(302) 658-9141

(302) 658-5614 (Fax)

Attorney for Applicant

529547